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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-0533 SI
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME FROM
v.)	DECEMBER 19, 2005 THROUGH
)	FEBRUARY 27, 2006 FROM
JOHN ANTHONY MOSLEY,)	CALCULATIONS UNDER THE
)	SPEEDY TRIAL ACT (18 U.S.C. § 3161)
Defendant.)	
)	

On December 19, 2005, the parties appeared for trial setting before this Court on the Superseding Indictment. The defendant was personally present. Elizabeth Falk, Assistant Federal Public Defender, appeared on behalf of the defendant. The United States was represented by Assistant United States Attorney Gregg W. Lowder.

The Court continued the matter until January 27, 2006 at 11:00 a.m. for change of plea, February 21, 2006 at 3:30 p.m. for pretrial conference and February 27, 2006 @ 8:30 a.m. for jury trial.

The parties agree and seek to exclude time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from December 19, 2005 through February 27, 2006 to allow time to effectively prepare the defense of this case. The parties, including the defendant, request the Court to find and order that the time from December 19, 2005 through February 27, 2006 be

Order re Speedy Trial Exclusion of Time
 CR 05-0533 SI

1 excluded from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the following
2 reasons:

3 1. The attorney for the defendant requests the Court order time excluded time under the
4 Speedy Trial Act in order to allow time to effectively prepare in light of the need to
5 investigate the validity and applicability under the sentencing guidelines of the
6 defendant's identified prior convictions, official copies of which have not yet been
7 secured. The attorney for the defendant believes an exclusion of time from calculations
8 under the Speedy Trial Act is necessary to allow the defense to effectively prepare this
9 case and further believes an exclusion is in the defendant's best interests and is with the
10 defendant's consent, and agrees that the exclusion of time from December 19, 2005
11 through February 27, 2006 is appropriate under the Speedy Trial Act, 18 U.S.C. §
12 3161(h)(8)(B)(iv);

13 2. The defendant personally joins in the request to exclude time from December 19, 2005
14 through February 27, 2006 for the reasons stated above; and

15 2. The attorney for the government also agrees that the exclusion of time under the
16 Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) from December 19, 2005 through
17 February 27, 2006 is appropriate and necessary for the reasons stated above.

18 Given these circumstances, the Court orders hearings on January 27, 2006 at 11:00 a.m.
19 for possible change of plea, February 21, 2006 at 3:30 p.m. for pretrial conference and February
20 27, 2006 @ 8:30 a.m. for jury trial, and finds and orders that the ends of justice served by
21 excluding from calculations the period from December 19, 2005 through February 27, 2006
22 outweigh the best interests of the public and the defendant in a speedy trial, pursuant to the

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Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv), and the time from December 19, 2005 through February 27, 2006 is excluded from calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

SO STIPULATED:

DATED: 12/30/2005

/s/
ELIZABETH FALK
Attorney for Defendant

DATED: December 19, 2005

/s/
GREGG W. LOWDER
Assistant United States Attorney

IT IS SO ORDERED.

DATED: _____

